

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
:
LYMAN COMMERCE SOLUTIONS, INC. :

Plaintiff, :

12 Civ. 4398 (TPG)

– against – :

OPINION

CONRAD LUNG, RICHARD GILBERT, :
LUNG'S CONSULTANTS LLC, R.D. :
SIMPSON, INC., THE RICHARD GILBERT :
FAMILY TRUST, and IRWIN LEVY AS :
TRUSTEE OF THE GILBERT FAMILY :
TRUST. :

Defendants.

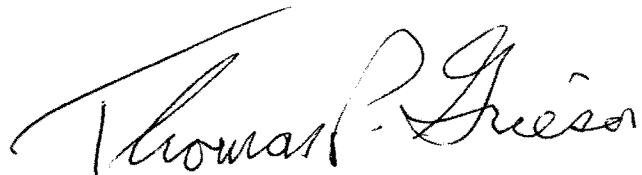
-----X
Having considered plaintiff's *ex parte* motion for an order permitting service of process on defendant Conrad Lung ("Lung") pursuant to Fed. R. Civ. P. 4(f)(3), the court finds that the method of service proposed by plaintiff is appropriate under that Rule and comports with constitutional due process requirements governing the service of process.

Lung lives in China at an unknown address. He formerly lived and worked in Manhattan, and he still maintains an apartment here. In addition, defendant is represented by a New York-based lawyer, Joel Salon, who evidently remains in contact with Lung. Plaintiff proposes to serve the summons and complaint in the instant action by personally serving Mr. Salon at his New York office and also serving in like fashion a person of suitable age and discretion at Lung's apartment building. The

court finds that this method of service is not prohibited by international agreement and is reasonably calculated to apprise Lung of the pendency of this action. See RSM Prod. Corp. v. Fridman, No. 06 Civ. 11512, 2007 WL 2295907 (S.D.N.Y. Aug. 10, 2007).

Accordingly, the court orders that plaintiff may serve Lung by personally delivering a copy of the summons and complaint to Lung's counsel in the United States, Joel Salon, at the New York City law office of Salon Marrow Dyckman Newman & Broudy LLP. Plaintiff shall also personally deliver the summons and complaint to a personal of suitable age and discretion at the New York apartment owned and formerly occupied by Lung, which is located at 860 United Nations Plaza in the borough of Manhattan.

Dated: New York, New York
June 12, 2012



Thomas P. Griesa
U.S. District Judge

